

**United States Court of Appeals**  
**FOR THE EIGHTH CIRCUIT**

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No. 03-1330

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United States of America,

Appellee,

v.

Jerry Wayne Green, Jr.,

Appellant.

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Appeal from the United States  
District Court for the Eastern  
District of Arkansas.

**[UNPUBLISHED]**

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Submitted: September 4, 2003

Filed: September 19, 2003

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Before RILEY, HANSEN, and SMITH, Circuit Judges.

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PER CURIAM.

Jerry Green, Jr. (Green) appeals the sentence imposed by the district court<sup>1</sup> after he pled guilty to being a felon in possession of a firearm. On appeal, Green's counsel has filed a brief under Anders v. California, 386 U.S. 738 (1967), and Green has filed a pro se brief. Having considered both briefs, and following our independent review under Penon v. Ohio, 488 U.S. 75, 80 (1988), we affirm.

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<sup>1</sup>The Honorable William R. Wilson, Jr., United States District Judge for the Eastern District of Arkansas.

Specifically, we disagree with Green’s contention that the government breached the plea agreement; and we conclude that, in setting the base offense level, the district court properly considered as “crimes of violence” Green’s 1998 attempted residential burglary conviction resulting from his attempt to help his girlfriend escape from a juvenile detention facility, and his 2000 residential-burglary conviction. See U.S.S.G. § 2K2.1(a)(2) (base offense level for firearm possession after two prior felony convictions for crime of violence); U.S.S.G. § 4B1.2(a)(2) (“crime of violence” includes burglary of dwelling); United States v. Sun Bear, 307 F.3d 747, 750, 753 (8th Cir. 2002) (attempted burglary is crime of violence; attempted escape from custody is crime of violence), cert. denied, 123 S. Ct. 2275 (2003). Green’s ineffective assistance claims should be presented in post-conviction proceedings, if at all. We find no other non-frivolous issues.

Accordingly, we grant counsels’ motion to withdraw and Green’s motion to supplement his brief. We affirm the judgment.

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